

## **REMARKS**

Pending claims 21-40 were examined in the application. In the Office Action of July 8 2009, claims 21-40 were rejected. The claims, as amended, are listed above. Claims 22, 33, 36 and 39 have been deleted. No claims have been added. Accordingly, claims 21, 23-32, 34, 35, 37, 38 and 40 remain pending in the application.

Applicant requests entry of the amendments, and responds to Examiners remarks below:

### **I. Specification**

The specification was objected to because it explicitly did not contain the claimed limitation “computer readable medium” in the body of the disclosure. Thus, it was allegedly not clear what the computer readable medium of claim 35 represented.

In response, the specification has been amended to include the phrase “computer readable medium” within the body of the specification. No new matter is added because the phrase was part of the original claim 39 which is art of the specification.

### **II. Claim Rejections Under 35 USC §101**

A. Claims 21-31 were rejected under 35 USC §101 because the claimed invention was allegedly directed to non-statutory subject matter. More specifically, Examiner stated that the term “tool” is not clearly implemented in a computer system.

Claim 22 has been cancelled herein, thereby rendering the associated rejection moot.

In response to the remaining rejections, claim 21 has been amended to show ties to a computer system, thereby traversing the rejection. Claims 22-31, being dependent upon claim 21, traverse the rejections for the same reason.

B. Claims 38-40 were rejected under 35 USC §101 because the claimed invention was allegedly directed to non-statutory subject matter. In particular, Examiner stated that the means for carrying out functionality does not include a physical hardware device.

Claim 39 has been cancelled herein, thereby making the associated rejection moot.

In response to the remaining rejections, the means in claim 38 has been amended to be tied to a computer system, thereby traversing the rejection. Claim 40, being depending upon claim 38, traverses the rejection for the same reason.

### III. Allowable Subject Matter

Claim 22 was objected to, but was indicated as allowable if rewritten in independent form including all of the limitations of the base and any intervening claims. Applicant thanks Examiner for the finding.

In response, the limitations of claim 22 have been incorporated into claim 1. Therefore, Applicant submits that claim 1 is allowable.

### IV. Claim Rejections Under 35 USC §103

Claims 21-40 were rejected under 35 USC §103(a) as being unpatentable over Mizoguchi et al. (U.S. Patent No. 6,243,858 B1) ("Mizoguchi") in view of Madan et al. (U.S. Patent No. 6,748,374 B1) ("Madan") and Hinson et al. (U.S. Patent No. 6,829,770 B1) ("Hinson").

Claims 22, 33, 36 and 39 have been cancelled, thereby rendering the associated rejections moot.

Applicant respectfully traverses the remaining rejections.

More specifically, independent claims 21, 32, 35 and 38 have been amended to include the allowable subject matter of claim 22 (i.e., “the expression being adapted to modify at least one of the one or more messages by merging data from one or more databases in the at least one message”). Examiner acknowledges that none of the cited references discloses the limitation (see OA, para. 9). Therefore, Applicant respectfully submits that claims 21, 32, 35 and 38, and all related claims, are patentable over the cited references either alone, or in combination.

CONCLUSION

Applicant's attorney believes this application is in condition for allowance. Should any unresolved issues remainr, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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